

REMARKS

The Examiner has rejected claims 1-21 and 23-60 under 35 USC 102. These rejections are fully traversed below. In addition, Applicant has amended the claims to correct various typographical errors and to further clarify the subject matter regarded as the invention.

With respect to the claim rejections under 35 USC 101, Applicant notes that in claim 42, the computer-readable medium and the memory device are two separate entities.

Claims 61-64 have been added. Claims 1-21, 23-64 are now pending.

Reconsideration of the application is respectfully requested based on the following remarks.

I. REJECTIONS OF CLAIMS 1-60 UNDER 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-21 and 23-60 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,031,841 (Woundy). Applicant respectfully traverses this assertion.

Each of the pending claims, as amended, recites a method, system, apparatus, or computer-readable medium for:

obtaining a message at the cable head end, wherein the message is received from one of the ~~a-cable modems~~ modem or is to be transmitted to ~~a~~ one of the cable modems ~~modem~~;

determining whether the message meets filtering criteria; and

when the message meets the filtering criteria, copying the message including a payload and sending the copied message including the payload to a memory device such that the copied message including the payload is stored at the memory device;

wherein the obtaining, determining, copying and sending steps are performed by the cable head end.

As recited in the pending claims, the message that is “filtered” is obtained at the cable head end. Moreover, each of the claimed steps is performed by the cable head end.

Woundy generally relates to dynamic resource reservation for upstream data traffic in a broadband cable system. More specifically, Woundy provides upstream bandwidth resource reservation which allows packet scheduling to occur at a CMTS, and packet classification to occur at a cable modem. See Abstract.

As set forth above, Woundy requires that specific processes be performed both at the CMTS and at the cable modem. The Examiner refers to FIG. 2, blocks 202 and 204 and col. 3, lines 1-9. Specifically, Woundy discloses that “[t]he CMTS will intercept the downstream RSVP Path message at block 202, store the path state from the message at block 204...” The CMTS intercepts a path message at 202. However, it is important to note that what is stored in Woundy is the “path state,” and not the “path message.” In other words, Woundy neither discloses nor suggests that what the CMTS stores is the message that is transmitted to the cable modem, where the message includes a payload.

In addition, it is important to note that Woundy fails to disclose or suggest “determining whether the message meets filtering criteria” and “when the message meets the filtering criteria, copying the message including a payload and sending the copied message including the payload to a memory device such that the copied message including the payload is stored at the memory device.” In fact, the Examiner appears to

acknowledge that “it is not indicated what criteria is filtered.” Applicant respectfully asserts that the CMTS does not determine whether the messages specific filtering criteria before storing the path state. In fact, it is clear that the CMTS does not filter the path messages in any manner.

The Background section of Applicant’s specification addresses the need in the art for a mechanism for monitoring the data communication between a head end complex and its associated cable modems. This is accomplished in the pending claims by filtering messages that are obtained at the cable head end, where the messages are either received from cable modem(s) or to be transmitted to cable modem(s). Those messages that meet specific filtering criteria may be stored to a memory device, enabling those messages to be accessed and monitored. In this manner, communications that are communicated both upstream and downstream may be monitored.

It is important to note that the cited portions of Woundy that relate to the storing of a message that includes a payload require that the message be stored by a cable modem. Even if all cable modems stored messages, Woundy fails to disclose or suggest the storing of messages obtained at a cable head end in the manner claimed. As a result, Woundy would fail to enable both upstream and downstream communications to be “captured” (stored) as claimed, and later monitored.

In addition, it is important to note that Woundy relates to dynamic resource reservation for upstream traffic in a cable system. In other words, Woundy fails to disclose or suggest managing downstream traffic. As a result, Woundy fails to disclose or suggest capturing messages at the cable head end in order to monitor both upstream and downstream communications. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the independent claims.

The Examiner's rejections of the dependent claims are respectfully traversed. However to expedite prosecution, all of these claims will not be argued separately. Claims 2-20, 22-41, and 43-53 each depend either directly or indirectly from independent claims 1, 21, and 42 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to independent claims 1, 21, 42, and 54. Further, the dependent claims recite additional elements that when considered in the context of the claimed inventions further patentably distinguish the invention from the cited art. Withdrawal of the claim rejections is respectfully requested. Accordingly, Applicant respectfully asserts that the dependent claims are also patentable over the cited art.

II. CONCLUSION

An early Notice of Allowance is earnestly solicited. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504480 (Order No. CISC215).

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/Elise R. Heilbrunn/
Elise Heilbrunn
Registration No. 42,649

P.O. Box 70250
Oakland, CA 94612-0250
510-663-1100, ext. 245